

DOCKET FILE COPY ORIGINAL

Harris County Board Of Education

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Phillip D. Love

DIRECTOR OF FEDERAL PROGRAMS
Betty Dunlap

July 18, 2002

Federal Communications Commission
Office of the Secretary,
445-12th Street SW
Washington, DC 20554

JUL 30 2002

Reference: CC Docket Nos. 96-45
CC Docket Nos. 97-21

The purpose of this letter is to appeal the decision of the Schools and Libraries Division concerning the denial of e-rate funding for the Harris County School District, Hamilton, Georgia.

Listed below are the facts that relate to this appeal:

- The application form was completed on December 14, 2001 by Harris County School System Technology Director, John Graddick
- The Form 470 was not certified at this time, because Mr. Graddick did not have a pin number issued by the Schools and Libraries Division
- Mr. Graddick received a pin number before the January 17, 2002 deadline
- When Mr. Graddick referenced the application online, the status of the application was listed as "Complete"
- Although a few lines below this statement of "Complete" there was a blank line concerning certification which should have indicated to Mr. Graddick that everything was not complete
- Since this was Mr. Graddick's first time to complete the e-rate application, he inadvertently overlooked this line and focused on the statement indicating that the application was "Complete"
- On May 9, 2002, Robin, an employee of the Schools and Libraries Division called Mr. Graddick to inform him that the Form 470 had not been certified and was directed to fax to her a statement certifying Form 470 (See attached Fax confirmation and statement)
- On May 21, 2002, Mr. Graddick received correspondence from the Schools and Libraries Division stating that the e-rate funding had been denied

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- On May 28, 2002, Mr. Graddick went online and certified Form 470. He did this, not to try to deny that he had failed to certify by the deadline, but to follow the process of certification
- Also on May 28, 2002 Mr. Graddick appealed the decision to the Schools and Libraries Division (See attached appeal letter)
- On July 8, 2002, Mr. Graddick received correspondence from the Schools and Libraries Division that the appeal had been denied
- One reason stated for denying the appeal was that he had certified on May 28 which was a violation of program rules. Mr. Graddick was aware of when he had certified and was not disputing that it was after the deadline.

Due to the fact that Mr. Graddick did not intentionally fail to meet the deadline and was not trying to deny that his error caused the system's application to be denied, this second appeal is being presented. Upon conversation with Mr. James Weisner on July 18, 2002, Mr. Graddick was told to resubmit the appeal to the Schools and Libraries Division. Since the correspondence he received from Schools and Libraries Division stated to appeal to the FCC, this letter of appeal is being sent to both agencies.

Please note that Harris County is a rural school system in Georgia. Without the assistance of e-rate funding, we do not have the ability to adequately provide the necessary technology to our students. Even though the amount of money may not seem to be significant to many school systems, this amount of money is quite significant to us. We are dismayed that the oversight of leaving off one electronic signature by an inexperienced technology director who was striving to complete a multi-paged government document would keep us from receiving funds that could greatly enhance the education of our students. Due to this fact, we are requesting that you reconsider this application and waive the deadline of January 17th for certification of Form 470.

Thank you for your consideration of this matter. We look forward to hearing from you.

Sincerely,



Susan C. Andrews
Superintendent

SCA:gj

Cc: U. S. Representative Mac Collins

Schools and Libraries Division
Box 125
Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 349460000400527

Applicant's Form Identifier: YR5HBOE470

Application Status: COMPLETE

Posting Date: 12/14/2001

Allowable Contract Date: 01/11/2002

Certification Received Date:

| | | | |
|--|-------------|----------------------------------|-----------------|
| 1. Name of Applicant: HARRIS COUNTY SCHOOL DISTRICT | | | |
| 2. Funding Year: 07/01/2002 - 06/30/2003 | | 3. Your Entity Number 127538 | |
| 4. Applicant's Street Address, P.O.Box, or Route Number | | | |
| a. Street 132 BARNES MILL RD | | | |
| City HAMILTON | State GA | Zip Code 5Digit 31811 | Zip Code 4Digit |
| b. Telephone number (706) 628- 4206 | | c. Fax number (706) 628- 5609 | |
| d. E-mail Address | | | |
| 5. Type Of Applicant (Check only one box) | | | |
| <input type="radio"/> Library (including library system, library branch, or library consortium applying as a library) | | | |
| <input type="radio"/> Individual School (individual public or non-public school) | | | |
| <input checked="" type="radio"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools) | | | |
| <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia) | | | |
| 6a. Contact Person's Name: John Graddick | | | |
| 6b. Street Address, P.O.Box, or Route Number (if different from Item 4) | | | |
| <input checked="" type="radio"/> 132 BARNES MILL RD | | | |
| City HAMILTON | State GA | Zip Code 5Digit 31811 | Zip Code 4Digit |
| <input checked="" type="radio"/> 6c. Telephone Number (10 digits + ext.) (706) 628- 4206 | | | |

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for

706 628 4947
May-9-02 9:45AM

| Job | Start Time | Usage | Phone Number or ID | Type | Pages | Mode | Status |
|-----|-------------|-------|--------------------|-----------|-------|-------|----------------|
| 843 | 5/ 9 9:43AM | 2'22" | NECA | Send..... | 8/ 8 | EC144 | Completed..... |

Total 2'22" Pages Sent: 8 Pages Printed: 0

Harris County Board Of Education

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BUSINESS SERVICES
Philip A. Love

DIRECTOR OF FEDERAL PROGRAMS
Betty Runkle

Date of FAX 9 May 2002

Number of pages including cover sheet: 8

To: Robin

Phone: _____

Fax #: 973-595-6521

RE: _____

From: John Gaddell, Central Office Accounting Dept.

Phone: 706-628-4206 706-628-5617

Fax #: 706-628-4947

Remarks: Thanks for your help

John

May 9, 2002

TO: Schools and Libraries Division
SLD-Form 470
P.O. Box 7026
Lawrence, KS 66044-7026

FROM: John E. Graddick
P.O. Box 388
Hamilton, Ga. 31811

SUBJECT: FORM 470 FOR APPLICATION 615330000400327

I certify that the FORM 470 for Application 615330000400327
is the establishing 470.

John E. Graddick

Director Of Technology
Harris County Schools
Hamilton, Ga. 31811
Tel- 706-628-5617



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2002: 07/01/2002 - 06/30/2003)

May 21, 2002

HARRIS COUNTY SCHOOL DISTRICT
John Graddick
P.O. Box 388
HAMILTON, GA 31811

349460000000

Re: Form 471 Application Number: 319188
Funding Year 2002: 07/01/2002 - 06/30/2003
Billed Entity Number: 127538
Applicant's Form Identifier: None entered

Thank you for your Funding Year 2002 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

FILE FORM 486. Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved by an SLD certified Technology Plan Approver. The Form 486 and instructions and the list of SLD certified Technology Plan Approvers can be found on the SLD web site at <www.sl.universalservice.org> or you can call the SLD Client Service Bureau at 1-888-203-8100 and ask that the form be sent to you. The Form 486 dated July, 2001 in the lower right corner MUST be used for Funding Year 2002 and for any previous funding years. Submissions of earlier versions of the Form 486 will be returned to you and will not be able to be processed. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can process invoices for services that have been provided to you.

DEADLINE FOR FORM 486. Form 486 must be postmarked within 120 days of the Service Start Date featured on the Form 486 or within 120 days of the date of the Funding Commitment Decision Letter, whichever is later. If the Form 486 is postmarked after the later of those two dates, the date 120 days before the Form 486 postmark date will become the start date for discounted services. If the service start date is moved, your funding commitment may be reduced. You are advised to keep proof of the date of mailing of your form(s).

REVIEW CIPA REQUIREMENTS. On December 21, 2000, the Children's Internet Protection Act (CIPA) was signed into law. That law requires schools and libraries that receive Universal Service discounts for certain services to adopt an Internet safety policy incorporating the use of filtering or blocking technology on computers with Internet access as a condition of receiving those discounts. Funding Year 2002 may be the Second Funding Year for purposes of CIPA for one or more schools and/or libraries represented on your Form 486. (Funding Year 2002 is the Second Funding Year for purposes of CIPA for a school or library if a Form 486 for internet access or internal connections was successfully data entered for Funding Year 2001. See the section of the Form 486 Instructions entitled "Impact of CIPA Requirements on Form 486" for more information on First, Second and Third Funding Years.) If Funding Year 2002 is the Second Funding Year for purposes of CIPA for one or more schools and/or libraries represented on your Form 486, those school(s) and/or library(ies) must certify that they are in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A school or library so prevented may request a waiver for Funding Year 2002. Certification(s) for purposes of CIPA and CIPA waiver request(s) must be made on the Form 486 or the Form 479, whichever is appropriate. See the Form 486 Instructions and the Form 479 Instructions for more information. You may also refer to the SLD web site at <www.sl.universalservice.org> or call the Client Service Bureau at 1-888-203-8100 for more information about Form 486, Form 479, and the requirements of CIPA.

FILE FORM 472 (APPLICANT) or FORM 474 (SERVICE PROVIDER). After a Form 486 has been properly filed, the SLD must receive an invoice from either the applicant or the service provider in order to make payments for approved discounts on eligible services. Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, is filed by the applicant; Form 474, Service Provider Invoice Form, is filed by the service provider.

NEW DEADLINES FOR INVOICES. Invoices must be postmarked within 90 days of the last date to receive service or within 90 days of the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FCD Letter you are appealing. Indicate the relevant funding year and the date of the Funding Commitment Decision Letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your FCD Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Funding Commitment Decision Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery.

to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Federal Communications Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or Service Provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

We look forward to continuing our work with you on connecting our schools and libraries through advanced telecommunications services.

Sincerely,

Schools and Libraries Division
Universal Service Administrative Company

Enclosures

A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each E-rate funding request from your application. We are providing the following definitions.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of three definitions: "Funded," "Not Funded," or "As Yet Unfunded."

1. An FRN that is "Funded" will be approved at the level that SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for internal connections at a particular discount level. For example, if your application included requests for discounts on both telecommunications services and internal connections, you might receive a letter with our funding commitment for your telecommunications funding requests and a message that your internal connections requests are "As Yet Unfunded." You would receive a subsequent letter(s) regarding the funding decision on your internal connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT: The first possible date of service for which the SLD will reimburse service providers for the discounts for the service.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service provided in the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23, Column I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: This is the discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse service providers for the approved discounts for this service for this funding year. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 319188
Funding Request Number: 845183 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143001192 Service Provider Name: AT&T Corp.
Contract Number: MTM
Billing Account Number: 706.628.4206
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,120.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-Discount Amount: \$3,120.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Certified
Funding Commitment Decision Explanation: The ERN references a Form 470 which has not been certified.

Funding Request Number: 845371 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143004824 Service Provider Name: BellSouth Telecommunications, Inc.
Contract Number: MTM
Billing Account Number: 706.628.4206
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Annual Pre-discount Amount for Eligible Recurring Charges: \$6,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-Discount Amount: \$6,000.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Certified
Funding Commitment Decision Explanation: The ERN references a Form 470 which has not been certified.

Funding Request Number: 845578 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143004824 Service Provider Name: BellSouth Telecommunications, Inc.
Contract Number: MTM
Billing Account Number: N/A
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Annual Pre-discount Amount for Eligible Recurring Charges: \$66,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-Discount Amount: \$66,000.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Certified
Funding Commitment Decision Explanation: The ERN references a Form 470 which has not been certified.

Funding Request Number: 845956 Funding Status: Not Funded
Services Ordered: Internal Connections
SPIN: 143005302 Service Provider Name: Techlan, Inc
Contract Number: NA
Billing Account Number: N/A
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 07/31/2002
Annual Pre-discount Amount for Eligible Recurring Charges: \$13,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-Discount Amount: \$13,000.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Certified
Funding Commitment Decision Explanation: The ERN references a Form 470 which has not been certified.

May 28, 2002

TO: Schools and Libraries Division
SLD-Form 470
P.O. Box 7026
Lawrence, KS 66044-7026

FROM: John E. Graddick
P.O. Box 388
Hamilton, Ga. 31811

**SUBJECT: APPEAL OF FUNDING COMMITMENT DECISION LETTER
FOR FORM 471 APPLICATION NUMBER 309942
BILLED ENTITY NUMBER: 34643**
(Funding Year 2002: 07/01/2002- 06/30/2003)
HARRIS CTY CARVER MIDDLE SCH
Letter dated: May 21, 2002

I appeal and ask for reconsideration of Funding Request Number 8099576 that was denied because the 470 had not been certified. This was an honest mistake on my part. This was my first time using the online application and after later reviewing the application, the application status said "complete", I thought I had done all that I was suppose to. I have since learned differently. I made the same mistake for all the 470's that I filled for my school district. I have since gone back online and certified complete all the 470's of my school district.

Thank you very much for your consideration.

John E. Graddick
Technology Director
Harris County Schools
Tel: 706-628-5617
email: graddick-j@harris.k12.ga.us
fax: 706-628-4947

May 28, 2002

TO: Schools and Libraries Division
SLD-Form 470
P.O. Box 7026
Lawrence, KS 66044-7026

FROM: John E. Graddick
P.O. Box 388
Hamilton, Ga. 31811

**SUBJECT: APPEAL OF FUNDING COMMITMENT DECISION LETTER
FOR FORM 471 APPLICATION NUMBER 319188
BILLED ENTITY NUMBER: 127538
HARRIS COUNTY SCHOOL DISTRICT
Funding Year 2002: 07/01/2002 – 06/30/2003
Letter dated may 21, 2002**

I appeal and ask for reconsideration of Funding Request Number 845183, 845371, 845578 and 845956 that were denied because the 470 had not been certified. This was an honest mistake on my part. Working with the ERATE applications were new to me. After I had entered the information and later reviewed it, the Application status said, "completed". I thought I had done all that I was suppose to. I have since learned differently. I made the same mistake for all the 470's that I filled for my school district. I have since gone back online and certified complete all the 470's of my school district. Please do not make my school district suffer for my lack of knowledge.

Thank you very much for your consideration.

John E. Graddick
Technology Director
Harris County Schools
Tel: 706-628-5617
email: graddick-j@harris.k12.ga.us
fax: 706-628-4947



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

July 8, 2002

John E. Graddick
Harris County Schools
P.O. Box 388
Hamilton, GA 31811

Re: Billed Entity Number: 34643
 471 Application Number: 309942
 Funding Request Number(s): 809576, 810159
 Your Correspondence Dated: May 21, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Five Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 809576, 810159
Decision on Appeal: **Denied in full**
Explanation:

- In your letter of appeal you have stated that your funding requests were denied because you cited Form 470 was not certified. You have confirmed that the cited Form 470 was not certified at the time of PIA review, but ask the SLD for reconsideration, as this was an honest mistake. You further state that you have gone back and certified the cited Form 470.
- Upon thorough review of your appeal it was determined that the Form 470 that you have cited as the establishing Form 470 for this application was certified on 5/28/2002. Program rules require that all Form 470/471's be certified before the close of the FY 2002 window (January 17, 2002). As your cited Form 470 was certified on 5/28/2002 you have violated program rules. You have not disputed this in your appeal, consequently, your appeal is denied.

- Our records indicate that your Form 470 Certification was not postmarked prior to the close of the filing window on January 17th, 2002. During the course of appeal review you were contacted to provide proof of mailing, and you indicated that you could not prove that the Form 470 Certification was mailed prior to January 17th, 2002. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Five require that Form 470 Certifications be postmarked no later than January 17, 2002 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company